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Mar. 6, 1905.

PROTESTANT COMMITTEE.

Protestant Universities and Superior Schools

IN RELATION TO THE

PROFESSIONS AND PROFESSIONAL EXAMINATIONS.

EXTRACT of Minutes of Meeting of Protestant Committee,
Council of Public Instruction, held on Wednesday,
30th March, 1887.

Resolved,—That the Report of the Sub-Committee named to consider the relation of Protestant Universities and Protestant Superior Schools to the Professions and Professional Examinations be adopted with the exception of that portion which may be supposed to raise the question of the constitutionality of Section 49 of the Act 49-50 Vict., Cap. 34, being an Act respecting the Bar of the Province of Quebec, which in the opinion of this Committee requires further consideration.

“And with the aforesaid reserve that the said report be placed in the hands of the Premier of this Province.

“And, in addition thereto, that the Secretary of the Committee be requested to draw up a statement setting forth the extent to which the Course of Study now followed in the Protestant Schools in this Province is affected by the provisions of said section.”

ELSON I. REXFORD,

Secretary.

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Protestant Committee of the Council of Public Instruction.

REPORT of Sub-Committee on the relation of the Protestant Universities and Protestant Superior Schools to the Professions and Professional Examinations :—

Complaint is made that the Bar Act of the last session has infringed on the rights and privileges of the Protestant Minority in this Province, as regards Education. By that Act both the general system of education, regulated by the Protestant Committee of the Council of Public Instruction, and the general Course of Study followed in the Protestant Universities, (McGill College and Bishop's College,) as well as the Special Law Course of these Institutions, have been interfered with, and are now endangered.

In order to attain to a clear understanding of the question raised, it will be as well to consider :—

1. What are the rights and privileges secured to the Protestant Minority by the Confederation Act (The British North American Act, 1867) ?
2. In what respects have these rights and privileges been infringed upon or set aside ?

The following extract from the Confederation Act gives in full the clauses referring to Education :—

“Sec. 93. In and for each Province the Legislature may exclusively make laws in relation to education, subject and according to the following provisions :

1. Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools, which any class of persons have, by law, in the Province at the Union.
2. All the powers, privileges and duties of the Union, by law conferred and imposed in Upper Canada on the separate schools and school trustees of the Queen's Roman Catholic subjects, shall be and the same are hereby extended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec.
3. Where in any Province a system of separate or dissentient schools exists by law at the Union, or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor-General in Council from any act or decision of any Provincial Authority affecting any right or privilege of the Protestant or Roman Catholic Minority of the Queen's subjects in relation to education,

4. In case any such Provincial law, as from time to time seems to the Governor-General in Council requisite for the due execution of the provisions of this section, is not made, or in case any decision of the Governor-General in Council on any appeal under this section is not duly executed by the proper Provincial Authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this section, and of any decision of the Governor-General in Council under this section."

It is clear from these provisions that the differences known to exist in the several Provinces on the subject of education were recognized, and that while granting power to each Province to make its own laws in relation to education, the rights of Minorities were to be respected and maintained.

Clause 1 guards denominational schools established in the Province at the Union.

Clause 2 provides that the powers, privileges and duties conferred and imposed at the Union in Upper Canada on Roman Catholics, shall be and are extended to dissentient schools, Roman Catholic or Protestant, in Quebec.

Clauses 3 and 4 give the right of appeal to the Governor-General, and power to make remedial laws to the Parliament of Canada in case of need.

Now under Clause 1, the Universities must be classed :

1. Bishop's College is an Institution founded and governed by the Church of England in Canada.
2. McGill College is essentially Protestant.
3. Laval is essentially a Roman Catholic Institution.

Therefore no law should be or ought to have been passed, likely to affect prejudicially the rights or privileges of any of these Institutions.

Selecting in the first instance, the Bar as a profession which has obtained special honors from the Legislature, let us examine its position at the Union, in relation to Education.

The Bar Act of 1866, 29-30 Vict., cap. 27, was in force at the time of Confederation. Referring to that portion of this Act regulating Examinations and Admission to Study and Practice we find that :

Sec. 26 prescribes that every *Council of a Section* may make By-laws to regulate the Examination for admission to the study and the practice of the profession of an Advocate.....

Three or five members of the Bar who shall have practised more than five years as Advocates were to be appointed as a Committee to examine Candidates.

The requirements for practice (Vide Sec. 2, P. 1.)

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agreement as a Clerk and Student with a practising Advocate during four consecutive years; or three consecutive years if he has followed a regular and complete Course of Law in a University or Incorporated College, in which such Course of Law is established, which Course of Law shall be subject to the provisions hereinafter contained; and that he has taken a *Degree in Law* in such University or Incorporated College; and such Course of Law may be followed at the same time that the Students is serving his time of Study under Articles."

2. "The Governor from time to time may require of all Universities of Incorporated Colleges claiming to have established therein such a Course of Law, a *Report fully shewing the detailed requirements of such Course*, and by Order in Council he may declare his approval thereof if the same are deemed sufficient; or he may prescribe such other and further requirements as may be deemed fit; and no diploma or degree in Law shall avail under this Section unless granted in Conformity with the requirements of such Order in Council."

Such were the Bar regulations at the time of Confederation. After Confederation the Bar Act was amended in 1869.

32 Vict., Cap. 27, Sec. 18 of this Act, is interesting as defining the meaning of "Liberal Education." It reads as follows:—

The Liberal Education required for admission to the study of the Law shall include a Complete Course of Classical study, viz:—

"*Latin rudiments, Syntax, Method, Versification, Belles-lettres, Rhetoric and Philosophy inclusive, or any other Complete Course of Classical study taught in Incorporated Colleges, Seminaries or Universities.*" No change or attempt to change the Status of Protestants in the rights and privileges of the Universities was made under this Act.

In 1881 the Bar Acts were Consolidated and changes of importance were then made. Under section 33 of this Act the *General Council of the Bar* is substituted for the Council of a Section in the control of the Examination and qualifications of Candidates for Admission to the Study of Law, and by section 43 it is provided that in addition to the Liberal Education hitherto deemed sufficient the Candidate "must pass a written and oral examination" on the subjects indicated in a programme printed and published under their (the Examiners,) supervision or that of the Council

These changes seem to your Sub-committee a *direct infringement* of the rights and privileges of the Protestant minority, as will be explained below.

Lastly we come to the Bar Act of 1886—the Act of last Session—49-50 Vict., Cap. 34. By this Act further aggressive action is taken in favor of the General Council. Vide Sec. 41 and following.

We find that under Sec. 49 the *General Council* is substituted for the *Lieutenant Governor* in the powers before that time given to the latter to inquire into and when needed to prescribe the Law Course of the Universities. The General Council may from time to time determine the subjects which shall be studied and the number of lectures which shall be followed in each subject to constitute a regular Law Course.

And further the curriculum so established shall not be altered except by a *two thirds* vote of the members of the General Council and the degree in Law, as well as the Law Course, shall avail only in so far as the prescribed curriculum has been effectually followed by the University or College.

There is also a lengthening of the period of Clerkship even to the holder of a degree under the above conditions, instead of a *three years* Course he is made to serve *four years* with a practising Advocate.

Thus far your Sub-Committee have dealt with the case of the Bar, but they regret to say that they are led to believe, on what they deem high authority, that the Medical Profession is also about to seek legislative powers so as to introduce changes into the Medical list which tend in the same direction as those complained of in the Bar Act of last session.

The cases of the two professions are not absolutely identical, for on the governing body of the Medical Profession the Universities are represented. Vide 40 Vict., Cap. 26, Sec. 4 and 42-43 Vict., Cap. 37, Sec. 4, which is not the case with the Bar. As however no Medical Bill has yet—so far as your Sub-Committee is aware—been prepared it is of course impossible to know the exact nature and extent of the powers to be asked for, but your Sub-Committee have reason to believe that the present system of Examinations for the degrees in Medicine and Surgery which take place in the presence of Assessors and qualify candidates for the license to practice as well as for the degree of C. M. M. D. (Vide 42-43 Vict., Cap. 32, Sec. 13.) is to be changed and the University degrees are to be henceforth treated as purely honorary, the license to practice being given only after a separate and purely professional examination.

Your Sub-Committee would see no objections to this if there were a general *Medical Examining Board for the Whole Dominion* on which the Universities could be represented, so that the University degrees in Medicine and Surgery as well as the License to practice would follow the results of this Examination. In this way the tone and status of the profession would be raised, and the C. M. M. D. of Canada, would rank with any like degree in the world.

But failing this broader view of the question, your Sub-Committee see no advantage in the change from the present system. As to the examination for Admission to Study, it is purely a general Educational question, not a technical one, and your Sub-Committee deprecate any interference on the part of professional bodies in the matter of General Education as followed in Protestant Schools under the control of the Protestant Committee. All that any professional body is entitled to claim is that Candidates for Study should be proved to have had a Liberal Education. It must be clear to every thinking mind that privileges conferred upon members of a profession in their Corporate capacity are so conferred in the interests of the public. They are not for the private benefit of the members of such profession. The Legal, the Medical and other professions are no doubt very important bodies to whom are committed the fortunes and lives of the citizens generally, and special obligations as well as great privileges are imposed and conferred on them for the public benefit. It is therefore a matter in which the general public are concerned that due care should be exercised as to the admis-

sion of Candidates both to the study and practice of these professions. But that these professional bodies should become *Closed Corporations* with power to bar the doors against all but persons whose Liberal Education has been carried on only after the programme of each profession, is a monstrous evil which needs only to be mentioned to be condemned.

So long as the Lieutenant-Governor in Council—the Head of the State—exercised a power on behalf of the citizens at large, all was well, more especially as it was understood that there would be no interference except in case of some acknowledged abuse, but to transfer this power to a professional body which, by its very nature and constitution, must be considered one-sided and partial, is on the face of it open to very serious objection.

The danger lies in the fact that the proportion of Protestants to Roman Catholics in this Province is only as one to six, and by the Constitution of the General Council of the Bar, that body will have a large number of its members, perhaps all, Roman Catholics.

There was a certain amount of danger when the control lay with the Councils of Sections, but as in Protestant districts there was a tolerable certainty of Protestant representation in the Council, there was nothing serious in this danger.

But the programme of the General Council ignores Protestant Education altogether by the introduction of subjects extraneous to the system.

They put aside the well known fact that so diverse are the systems of Roman Catholics and Protestants, that two Committees of the Council of Public Instruction exist.

The provisions—quoted above—made at the time of Confederation recognize this divergence, and guard the rights of Minorities, whether Roman Catholic or Protestant.

Your Sub-Committee can come to no other conclusion than the following:—

1. That the attention of the Government be formally called to the serious disadvantages from which the Protestant population of this Province are now suffering, through the operation of the Bar Act of last session, which in many of its clauses infringes on their rights and privileges.

2. That a demand be made for the abrogation of the objectionable clauses of the said act.

3. That in order to guard against a recurrence of the evil complained of, the Legislature be requested to make provision for the appointment of two Examining Boards for the examination of Candidates seeking to enter on the study of all or any of the professions.

4. That one of such Examining Boards be Roman Catholic, the other Protestant, and that each Board be appointed by its own proper Committee of the Council of Public Instruction.

5. That the Arts degrees of the Universities be recognized, as entitling the holders of such degrees, to enter on the study of any profession without preliminary examination, on the ground that these degrees constitute in themselves the best possible evidence of a Liberal Education.

6. That no interference in the curriculum of study of any Faculty of any University by any professional body be allowed, but that the principle of the law, giving power to the Lieutenant-Governor to inquire into, and if needs be, prescribe the Course of Study, be restored, it being taken for granted that due care would always be shown in instituting such inquiry.

That no privilege be granted to any University not shared by the others now existing in this Province, or which may tend to the disadvantage of any one of such Institutions.

All which is respectfully submitted.

STATEMENT concerning the relation of Protestant Superior Schools to the Professions and Professional Examinations prepared in accordance with the resolution of the Committee.

The Legislature of the Province has provided two separate systems of superior education to meet the requirements of our mixed population, which it maintains by large annual subsidies.

Under legislative sanction the Protestant Committee has put into operation a complete Course of Study, which leads by regular steps from the lowest class in the Primary School through the Protestant Superior Schools to the last year of the University Course. This is a thorough Course, similar in its extent and requirements to that followed in the sister Provinces of the Dominion, in the United States and in England. In the Superior Schools where this course is followed the young men from the Protestant section of the population receive their education and they have a right to expect that, after they have completed a course sanctioned and subsidized by the Legislature of the Province, their Course of Study will be recognized in any provisions which the Legislature may make for literary examinations. Protestant young men find however on presenting themselves for the examination for admission to study prescribed by the Council of the Bar that the examination is based upon the Course of Study followed in the Roman Catholic Superior Schools, and that their own Course of Study has not been considered.

These disadvantages and difficulties under which candidates from Protestant Superior Schools are thus placed arise from three prominent differences in the Courses of Study followed in the Roman Catholic and Protestant Institutions.

First,—There is a difference in the subjects included in the two courses,

For example,—The subject of "*Philosophy*," which forms a prominent feature in Roman Catholic Superior Schools, is entirely unknown as a school subject among Protestants.

Second,—The order in which the several subjects of the course are presented to the student is quite different in the two courses.

Elementary mathematics, which comes in at a very early stage in Protestant Schools is postponed to a much later point in Roman Catholic Institutions.

Third,—There is a marked difference in the two courses as to the relative importance attached to the different subjects, as indicated by the marks given for the several subjects and by the percentage required to pass according to the Bar Examination. For *Philosophy* two hundred and fifty marks are given and half marks are required to pass, whereas for the five subjects—Arithmetic, Algebra, Geometry, Chemistry and Physics—only two hundred and fifty marks are

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given, and one quarter of total marks and one-seventh marks in each subject are required for passing. Such a system of marking bears very heavily upon candidates from Protestant Superior Schools which give prominence to the last five subjects and omit "Philosophy."

It is evident from these references, which could be multiplied, that the action of the Council of the Bar and all similar action, is a serious interference with our Protestant Superior Schools. Under the circumstances it seems only right and reasonable to demand, on the part of these institutions, that these difficulties be removed, either first by providing two separate examinations based upon the Courses of Study followed in the Roman Catholic and Protestant Institutions respectively, or, second, by having one examination so far as the Courses of Study are in common, and allowing options when the two courses diverge.